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FISCAL IMPACT STATEMENT

LS 6135

BILL NUMBER: HB 1047

NOTE PREPARED: Feb 19, 2010

BILL AMENDED: Feb 18, 2010

SUBJECT: Change of Name Requirements.

FIRST AUTHOR: Rep. Cheatham

FIRST SPONSOR: Sen. Bray

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires that a petition for a change of name must: (1) include certain information for persons at least 17 years of age; (2) be subscribed and sworn to (or affirmed) under the penalties of perjury and before a notary public or other person authorized to administer oaths; and (3) be filed with the circuit court of the county in which the person resides.

The bill specifies that a petition for a change of name for a person at least 17 years of age must include: (1) the person's date of birth; (2) the person's current residence address and, if different, mailing address; (3) the person's valid Indiana driver's license or identification card number; (4) a list of all previous names used by the person; (5) proof that the person is a United States citizen; (6) a statement concerning whether the person holds a valid United States passport; and (7) a description of all judgments of criminal conviction of a felony under the laws of any state or the United States that have been entered against the person.

The bill also removes a provision that requires a parent or guardian of a minor child who wishes to change the name of the minor child to publish the first notice of the petition for the name change not more than seven days after the date the petition is filed.

Effective Date: July 1, 2010.

Explanation of State Expenditures: Currently, Indiana Code is silent on any identification requirements for individuals who wish to change their name and are not formerly convicted felons. This bill would require individuals age 17 and older to provide certain information in order to proceed with a name change petition in civil court. The Division of State Court Administration reports that currently only the following identifying information is required for name-change petitions: (1) county name where the petition is filed, (2) current

full name, (3) desired/requested name, (4) street address, (5) town, state, and zip code, (6) telephone number, and (7) involvement in other court cases.

The bill will require the following additional identification requirements: (1) date of birth, (2) distinction between residence and mailing address, (3) driver's license or identification card number, (4) listing of all previous names used, (5) proof of U.S. citizenship, (6) statement if the petitioner has a valid U.S. passport, and (7) a description of all criminal convictions against the petitioner. New forms for name-change petitions would be required. The Division of State Court Administration makes forms available online. Petitioners are required to print off any desired forms, complete them, and file them in court. The Division of State Court Administration would only experience staff costs to redesign the name-change petition form. The increase in staff workload is expected to be minimal.

Penalty Provision: Individuals who are requesting a name change are subscribed and sworn to under the penalties of perjury. The penalty for perjury is a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Loretta Oleksy, Division of State Court Administration.

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